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N.Y. jury is split on award to 3 whose mail was opened by CIA

New York (AP)—A federal court jury said yesterday that its members had split three ways on the amount of money they felt should be awarded to three plaintiffs who complained that their mail had been opened by the Central Intelligence Agency.

Eight jurors recommended payments to each defendant of \$5,000, one said \$2,500 and three said \$10,000.

But Judge Jack B. Weinstein said he would reserve his decision until he returns from Israel, where he is to teach a law course at Hebrew University in Jerusalem.

Bert Neuburne, the lawyer for one plaintiff, said the jury decision opens the way for potential United States government payments of \$1 billion since the CIA allegedly opened 215,000 letters.

While other suits are on file, this is be-

lieved to be the first one to come to trial.

The three asked damages totaling \$90,000 on the grounds that their constitutional rights were violated by the CIA.

Norman Birnbaum, a sociology professor at Amherst, Mass., asked \$50,000; E. Leonard Avery, an artist from Minneapolis, asked \$20,000, and Mary MacMillen of Cambridge, Mass., sought \$20,000.

The government did not deny that the CIA opened letters mailed by American citizens to the Soviet Union between 1953 and 1973, when the practice allegedly was discontinued.

However, it contended that none of the plaintiffs had suffered monetary damage as a result of the invasion of their privacy, and that a token assessment of damages would serve the purpose of their complaints.